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January 15, 2021

MEMO ENDORSED

Via ECF

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

RE: *Diego Beekman Mut. Housing Ass'n Housing Dev. Fund Corp. v. Liberty Mut. Ins. Co., et al.*, No. 1:20-cv-10915

Dear Judge Failla:

This firm represents Defendants Liberty Mutual Insurance Company and American Economy Insurance Company ("Defendants") in the above-referenced insurance coverage dispute. In accordance with Your Honor's Individual Rules, we submit this joint request for an extension of time for: (1) Plaintiff to file a complaint; and (2) Defendants to answer or otherwise respond to Plaintiff's complaint.

As the Court is aware, on December 1, 2020, Plaintiff commenced this action in the Supreme Court of the State of New York, Bronx County, by filing a summons with notice. Plaintiff did not serve the summons with notice, but Defendants received a copy of the summons with notice from a non-party on December 2, 2020. On December 24, 2020, Defendants timely filed a notice of removal of this action on the basis of diversity citizenship, as the action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Defendants' deadline to answer or otherwise respond to the operative pleading, which presumably would be Plaintiff's summons with notice, was extended until January 15, 2021, by order dated December 30, 2020 (ECF No. 10).

The parties have reached an agreement to normalize the pleadings in this matter (e.g., the filing of a complaint to which an answer or pre-answer motion might be made), and respectfully request that the Court extend the deadlines to file pleadings, as follows:

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- February 10, 2021: Deadline for Plaintiff to file its complaint;¹
- March 3, 2021: Deadline for Defendants to answer or otherwise respond to the complaint.

The parties agree that Defendant is not required to answer or otherwise respond to Plaintiff's summons with notice, as Plaintiff intends to file a complaint.

This request is made on consent. The only prior request is the aforementioned request dated December 30, 2020 (ECF No. 9). If granted, this extension will not impact any other deadlines in this case, although the parties agree to adjourn the initial conference scheduled for February 2, 2021, if the Court would prefer to conduct the conference after the complaint is filed.

Thank you for your consideration. Please do not hesitate to contact us, if the Court would like any additional information.

Sincerely,

/s/ Gerald P. Dwyer, Jr.

Gerald P. Dwyer, Jr.
Cara C. Vecchione
ROBINSON & COLE LLP
*Attorneys for Defendants Liberty Mutual Insurance Company
and American Economy Insurance Company*

cc: Counsel of record (via ECF)

¹ Plaintiff's counsel requires additional time to obtain certain information from his client to include in the complaint.

Application GRANTED. The initial pretrial conference scheduled for February 2, 2021, is hereby ADJOURNED to March 9, 2021, at 2:30 p.m. At the scheduled date and time, the parties are to call (888) 363-4749 and enter access code 5123533. The parties' joint pre-conference letter and proposed case management plan (see Dkt. #11), shall be due on or by March 4, 2021.

Dated: January 15, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE